

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

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In Re:
PG&E CORPORATION AND PACIFIC
GAS AND ELECTRIC COMPANY,
Debtors.

) Case No. 19-30088
) Chapter 11
)
) San Francisco, California
) Friday, July 16, 2021
) 11:00 AM
)

HEARING ON DISCOVERY
CONFERENCE BETWEEN PG&E FIRE
VICTIM TRUST AND
PRICEWATERHOUSECOOPERS LLP
[6473]

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DENNIS MONTALI
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (All present by video or telephone):

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PG&E Corporation and Pacific Gas and Electric Company

SAN FRANCISCO, CALIFORNIA, FRIDAY, JULY 16, 2021, 00:48:51

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(Call to order of the Court.)

THE CLERK: Calling the matter of PG&E Corporation.

THE COURT: All right. I see Mr. Cave is joining us.

And we should have counsel for the -- Mr. Borges, you're appearing.

Mr. Cave, good morning. Sorry to keep you waiting.

Can you state your appearance?

MR. CAVE: No problem. Good morning, Your Honor.

Matthew Cave for PricewaterhouseCoopers LLP.

THE COURT: Mr. Orsini, I haven't seen you in ages.

13 | What are you doing?

14 MR. ORSINI: Morning, Your Honor. I would ask if
15 you've missed me, but I'm afraid my feelings would get hurt
16 with an honest answer. But it's good to see you.

17 THE COURT: Of course I miss you. I go home at night,
18 and I read all these bankrupt cases in New York and Delaware,
19 and I think, well, maybe I get another one, one of these days.

20 Kelly-Kilgore, I presume you're making the appearance
21 for the trustee?

22 MS. KELLY-KILGORE: Yes. Good morning, Your Honor.

23 THE COURT: Good morning, Ms. --

24 MS. KELLY-KILGORE: Mr. Borges, as you recognized, is
25 one of my partners and is here with me, but I will be appearing

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1 this morning.

2 THE COURT: Okay. Well, what should start -- I mean,
3 I thought this meet and confer was going to be all that you'd
4 have to do. And you went on so many times. And I am sorry we
5 ended up having to do this. And then at the last minute, I
6 just get deluged with, essentially, briefing.

7 I mean, for those of you -- Mr. Cave, I should make
8 sure you understand -- maybe you do -- that the practice here
9 has always been we just grant these 2004 orders and then meet
10 and confer on the motions to quash to follow. So now instead,
11 after many continuances and an attempt for you all to -- and I
12 presume you have made tremendous progress. And at this last
13 minute, I get this pages and pages of briefs and email trains
14 that I haven't even read. And it all -- it seems to come down
15 to, does Mr. Lay (phonetic) get deposed or not? So --

16 MS. KELLY-KILGORE: Your Honor --

17 THE COURT: Yes.

18 MS. KELLY-KILGORE: My apologies.

19 THE COURT: Go ahead.

20 MS. KELLY-KILGORE: Unfortunately, the parties have
21 not made substantial progress throughout the months of the meet
22 and confer, which is why we're here. The ex parte application
23 for Mr. Lay's examination is something that the trust is
24 seeking, but it is separate from the PwC documents subpoena,
25 which Your Honor authorized back in March 2020.

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1 Last year, following the authorization and the order
2 approving that subpoena, there were meet-and-confer efforts by
3 our predecessor counsel and by the counsel for the TCC. Those,
4 unfortunately, similarly, were unable to solve the parties'
5 dispute.

6 My firm has been personally engaged in this matter
7 since April. The briefing that you've seen, the many letters
8 back and forth and the emails back and forth, have not been
9 able to resolve the parties' dispute. We seek the examination
10 of Mr. Lay because there is documentation directly from PG&E
11 demonstrating that PwC was actively engaged in the critical --

12 THE COURT: Yeah.

13 MS. KELLY-KILGORE: -- work that we --

14 THE COURT: No. I understand that. And that's clear
15 in the papers.

16 MS. KELLY-KILGORE: Thank you.

17 THE COURT: The question is whether he should be
18 examined. And I mean, I don't know why there's any debate. He
19 should be examined unless there's a reason to defer it to
20 later. And I --

21 MR. CAVE: Well --

22 MS. KELLY-KILGORE: Well --

23 MR. CAVE: I'm sorry to interrupt, Your Honor. If I
24 may?

25 THE COURT: Yeah.

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1 MR. CAVE: Just briefly, and so Your Honor
2 understands, we're certainly not trying to be difficult or
3 create work for anyone here with filing our response to the ex
4 parte application. And we understand the procedure. What
5 happened here, unfortunately, is an eleven-page ex parte
6 application was dropped on us a couple days before this
7 conference that covers every single discovery dispute that
8 we've been talking about for the past two months. And so we
9 felt that it was appropriate to put in a response in writing
10 for Your Honor to consider.

11 From our perspective, the parties have, in fact, made
12 progress. I think it's important to note that before Ms.
13 Kilgore's firm was involved, our client had been meeting and
14 conferring with two predecessor firms for --

15 THE COURT: No. I'm aware of that.

16 MR. CAVE: -- (audio interference) --

17 THE COURT: I'm aware of that.

18 MR. CAVE: So --

19 THE COURT: And there's nothing we can do about that.
20 I mean, I don't know why -- I don't know why the Fire trustee
21 switched counsel. It's none of my business. And so we can't
22 change that. You're stuck with who you're stuck with.

23 MR. CAVE: And we get that. And we're happy to meet
24 and confer with Mr. Borges and Ms. Kilgore. The problem is, a
25 year of history of meeting and conferring and reaching

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1 agreements with respect to what's already been produced by our
2 client, which was seven productions and about 1,500 pages,
3 they've tried to hit the reset button as of April 30th.

4 It's only been two months. We have been meeting and
5 conferring. We have agreed to produce some additional
6 documents. There are some big issues still, such as the scope
7 of what falls under the document subpoena that's pending, that
8 we still haven't resolved, but we're still talking about it.

9 I know Ms. Kilgore is wanting things to go faster. I
10 appreciate that. I can tell Your Honor we are working
11 diligently to move things along, but this process takes time.
12 We have a large institutional client. There's a lot of history
13 here, and we are, in fact, moving things along.

14 So we're not opposed to a deposition taking place at
15 the appropriate time. We understand the scope of a Rule 2004
16 subpoena, but we really believe that this meet and confer
17 process, with respect to the documents subpoena, ought to play
18 out for a little bit more time. Let us resolve the disputes
19 that are still pending, and then we can revisit the idea.

20 And in fact, that was our understanding when Ms.
21 Kilgore raised this in her June 18th letter to our firm. And
22 we very, very briefly discussed the prospect of Mr. Lay's
23 deposition. And we had understood it had been set aside so
24 that we can continue meeting and conferring.

25 But again, our position is, things are moving along.

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1 We have agreed to produce more documents. We are happy to
2 continue meeting and conferring with them regarding the
3 documents subpoena. And then at the appropriate time, we can
4 have a discussion about who from PwC ought to be deposed.

5 MS. KELLY-KILGORE: Your Honor, if I may respond to
6 the points Mr. Cave raised?

7 THE COURT: No. I'm going to ask you a specific
8 question. I mean, I can't imagine anything more frustrating
9 than deposing a witness who doesn't have the documents yet or
10 you haven't told what (audio interference) that obvious you
11 should get the documents before you examine the witness who's
12 going to answer about the documents?

13 MS. KELLY-KILGORE: We would love to have the
14 documents first. But I think that there are two separate
15 requests here. And again, there is the documents subpoena.
16 There is the request for the subpoena to Mr. Lay.

17 The purpose of the examination of Mr. Lay, in part, is
18 because Mr. Cave and his co-counsel have challenged the
19 relevance of the documents that are being sought under the
20 existing 2004 subpoena. We know from the emails that we have
21 provided to PwC's counsel that Mr. Lay was heavily involved in
22 those.

23 In terms of the scope of the existing subpoena,
24 unfortunately, although Mr. Cave says that he has met and
25 conferred with prior counsel, if you look at Exhibit 6, to the

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1 ex parte application, you can see -- and Exhibits 1 and 2,
2 which are cited within Exhibit 6 -- there was no prior
3 agreement with prior counsel. We have been pressing for these
4 documents, including --

5 THE COURT: Hold on one second, please.

6 MS. KELLY-KILGORE: Absolutely.

7 THE COURT: Just one second.

8 (Pause.)

9 Okay, we're back. Look, I have to tell you the
10 obvious again. Mr. Orsini has had a lot of history with me.
11 The rest of you, perhaps, have not. But discovery disputes are
12 things that I do on the fly with two-page or two-paragraph
13 things. What happened here -- and our courthouse, as long as
14 I've been on the court, we issue 2004 orders routinely and
15 expect the battle to come later, so that -- for example, Mr.
16 Cave, you complained that the 2004 order was requested without
17 notice to you. That's the practice in the Northern District
18 and has been forever. But that doesn't mean people should be
19 taking advantage.

20 But again, whether it's because I'm working at home or
21 not, I can't have long email chains and a history made with, in
22 this case, different counsel and very, very complicated
23 relationships that PwC has with PG&E and try to digest it all
24 instantly.

25 So I mean, for Mr. Kilgore to talk about Exhibit Such-

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1 and--Such to her filing, I don't deny it. I just haven't been
2 able to go through it.

3 And I guess they -- like tsunamis. I get these
4 discovery battles that come out of blue. This is about the
5 fourth one I've had in the last four days. I should go into a
6 new career of just studying how to read emails backwards
7 because I can't keep up with it.

8 And by the way, I would say, Mr. Cave, one thing that
9 I think this bankruptcy judge does about protecting the process
10 of 2004 is, don't worry about relevance yet. And I understand.
11 And I don't want to insult Pricewaterhouse and its
12 professionals or outside counsel, but to me, relevance is
13 something that has to be decided by the person that -- you have
14 to -- you have to let them look at the stuff to see if it's
15 relevant. You got protective orders, and you got professionals
16 working on both sides. And I don't imagine that the trustee's
17 lawyers are going to take stuff and advertise it on the
18 internet.

19 So I'm frustrated in the sense that, I don't know why
20 I have to have this hearing today. I'd rather say, continue to
21 come to an agreement. But then, if you can't, I have to have
22 more time to understand more specifically what I'm supposed to
23 decide.

24 Now, that's a long speech to say, Ms. Kilgore, what's
25 the point now? I mean, how do you -- what do you want me to do

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1 now? Anything, other than resign, which I won't.

2 MS. KELLY-KILGORE: Absolutely do not want you to
3 resign, Your Honor. So let me start with that and assure you
4 that we have no intention of broadcasting PwC's documents to
5 anyone, but we have been completely shut out from documents.

6 Mr. Cave's eleventh-hour email on Wednesday promised
7 the production of a single document. Meanwhile, we have not
8 received any of the deliverables that PwC generated as part of
9 its work on the critical issues of the Community Wildfire
10 Safety Program or the Public Safety Power Shutoff program. We
11 think that those documents --

12 THE COURT: Those do seem relevant to me. It does
13 seem relevant. If an outside professional law firm, accounting
14 firm or consulting firm, was hired by the debtor and dealing
15 with wildfire issues, it's hard for me to say -- it has to be
16 relevant, at least for preliminary examination purposes.

17 MS. KELLY-KILGORE: And so that's where we are, Your
18 Honor. We are hoping for your guidance on that front. To the
19 extent that we are unable to reach agreement with PwC's
20 council, which, as Your Honor knows, has been more than a year
21 now, and there is no agreement, certainly not on the aspect of
22 the deliverables, then we, unfortunately, I think, are in the
23 world where we will need the opportunity to brief this issue
24 because we cannot proceed, as Your Honor indicated, without
25 accessing these documents and having the opportunity to, at the

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1 very least, review them as part of our duty of investigating
2 the claims that have been assigned to the trust.

3 THE COURT: Mr. Cave, I think you've been an advocate
4 for let's continue to meet and confer; what would you propose?
5 Since I don't -- I mean, if you -- I don't think it's helpful
6 for either side or for me to say, thank you; the matter's
7 submitted; I'll get back to you with a ruling. Because I'm not
8 even sure what I would make by way of a ruling at this point.
9 So what is a practical solution, Mr. Cave?

10 MR. CAVE: Well, thank you, Your Honor. I mean,
11 that's been our position all along in our request to continue
12 this status conference. The prior meet and confer, which
13 culminated in our client's understanding that they had resolved
14 the trustee, as represented by prior counsel's inquiries, were
15 satisfied.

16 I understand that's history, and we're starting over,
17 and that's fine. But again, that process took a full year.
18 Things are moving --

19 THE COURT: I know, but don't -- you can't say that
20 anymore. You've got this counsel, and we're here.

21 MR. CAVE: Understood, Your Honor --

22 THE COURT: So --

23 MR. CAVE: -- but --

24 THE COURT: And if I haven't given you my instincts,
25 I'll say it again. My instincts are your relevance arguments

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1 seem to be misplaced at this point. And I think that, given
2 with protective orders and stipulations and professional
3 integrity, which -- I'm assuming that you have to give up on
4 that and let her get the documents and then get back to you or
5 disregard what isn't relevant for her examination purposes.

6 They're the new kids on the block, not this law firm
7 versus the other. The trustee himself didn't even exist
8 until -- well, Mr. Orsini will remember. By my count, the
9 trustee's been in existence for one year and two weeks. And I
10 read about him every week because of his frustration.

11 And I get cases about, well, that didn't happen on my
12 watch. The debtor did it. We didn't do it. Well, okay.
13 Fine. We're moving forward now.

14 So the trustee's job is to try to find out how to help
15 build up the fund for the fire victims. And if PwC has some
16 culpability, then the trustee has a right to go inquire about
17 the facts that would establish that. And it's just 2004 on
18 steroids.

19 So we start with the presumption that, unlike some
20 state court litigators or even federal district court
21 litigators -- and I don't know whether you are or aren't a
22 bankruptcy special -- it doesn't matter. 2004 is very far-
23 reaching, and I continue to support the trustee's use of it.

24 So I urge you to get off the relevance argument and
25 get onto the, let's get on with a timetable for making sure Ms.

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1 Kilgore doesn't have to come back and make that argument again.
2 I don't mind a debate about a specific thing: this is
3 privileged, or this is something else that really is
4 irrelevant. Really irrelevant is more irrelevant than just
5 irrelevant. Really irrelevant.

6 MR. CAVE: Yeah. Well understood, Your Honor. And
7 thank you for the guidance. So let me get back to answering
8 your question, which was, what's a practical solution here?

9 I think a practical solution is let us meet confer
10 after this conference with the guidance that Your Honor has
11 provided. I think that the trustee should put a pin in the
12 request for a deposition, whether the Court grants them leave
13 to issue the subpoena or not. That's fine. We can talk about
14 that later. We'll talk about what additional documents PwC
15 will produce, and if necessary, to brief a dispute down the
16 road, then we will.

17 We didn't understand the purpose of this conference
18 when it was requested, frankly, in the first instance. And I'm
19 not sure that all the discussion about meeting and conferring
20 and putting in papers accusing us of misrepresentations and
21 whatnot in an eighty-four-page declaration is really a good use
22 of any of our time. So I would ask Ms. Kilgore for the
23 professional courtesy of not dropping another document like
24 that on us shortly before a discovery conference.

25 Let's continue meeting and conferring. And we'll

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1 continue to make progress as we have.

2 THE COURT: Okay, but --

3 MS. KELLY-KILGORE: Your Honor, I --

4 THE COURT: -- keep in mind --

5 One second.

6 Mr. Cave, just keep in mind my starting point. My
7 starting point is, you ought to be -- you have to give
8 everything they ask for.

9 MR. CAVE: Understood, Your Honor.

10 THE COURT: Unless it is absolutely off-limits. And
11 every time Ms. Kilgore makes reference to the fire suppression
12 and the wildfire, the other acronyms here, it seems like, why
13 wouldn't they be relevant? So you have to start with that as
14 the starting point.

15 Yeah. So Ms. Kilgore --

16 MS. KELLY-KILGORE: Not --

17 THE COURT: -- you were trying to say something?

18 MS. KELLY-KILGORE: Thank you. I was. To address Mr.
19 Cave's point, I do think that we absolutely have to have a
20 timetable. It's critical at this juncture.

21 The reason that we came in for the discovery
22 conference in the first instance, back at the beginning of
23 June, was because we were told by Mr. Cave and his co-counsel
24 that we would be receiving a response to a letter that I had
25 written them on May 28th, which never appeared. So we

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1 requested a discovery conference two weeks after.

2 On June 18th, I wrote another letter with the four
3 points that we wanted answered. We didn't receive a response
4 to that until this Wednesday, despite representations that we
5 would certainly -- that was the language that was used -- we
6 would certainly have a response by July 9th.

7 We are trying to work with PwC's counsel. We have no
8 intention of wasting Your Honor's time or coming before you
9 unnecessarily. But given the lack of progress that's been
10 made, I think that it would be appropriate to have a two-week
11 time frame for the parties to continue meeting and conferring
12 on the documents issue to brief the issue if we can't come to a
13 resolution.

14 I do think that in the meantime, the request for the
15 subpoena for Mr. Lay's examination should be granted. The
16 parties can meet and confer over that. Mr. Cave has already
17 indicated that he may have some objection to that or may even
18 seek to move to quash in his opposition. He makes reference to
19 that. So I think that that will likely be a lengthy meet-and-
20 confer process that we should get started on immediately
21 because as Your Honor is aware, in the meantime, the trust is
22 unable to pursue its claims on behalf of the fire victims.

23 THE COURT: Now, let's go back, again, to the
24 beginning, perhaps when I first became a judge -- actually,
25 when I first started practicing in this court. Routinely, 2004

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1 orders were granted in the Northern District with just -- it
2 made me ask myself one time, why do we even have to involve the
3 court? Why can't a 2004 be issued just like lawyers issued a
4 subpoena? And most of them get issued and get acted on, and
5 there's not a problem.

6 This one is -- as I say, it's 2004 on steroids because
7 all this briefing has been happening. So I can issue the 2004,
8 but it doesn't mean anything. It doesn't mean that PwC's
9 arguments aren't well-considered. And I don't know, whether I
10 issue it today or issue it in two weeks, it makes a big
11 difference, if you think it makes a difference.

12 I'm not going to order an immediate examination by Mr.
13 Lay. And I'm expecting the meet and confer to continue to
14 narrow down and to refine what (audio interference) if
15 necessary.

16 So again, that's a long way of saying, I'll issue the
17 order, but don't think it's a win. It's just a formality, like
18 you would do it if you were in district court or in a state
19 court where the lawyers just issue the subpoena. It's not my
20 judicial act of deciding something. It's nothing more than a
21 subpoena. But I'll invite Mr. Cave to try to, again -- to meet
22 with you, Ms. Kilgore, or any of the others.

23 Another prompt, by the way -- neither of you is guilty
24 of this, but in some of these discovery disputes, I can't even
25 keep up with the letters because some people write the letters

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1 to somebody other people are promoting, and then somebody else
2 shows up at the hearing. And again, reading an email string
3 backwards that comes from my courtroom deputy at the last
4 minute is not the way I prepare for arguments.

5 Ms. Kilgore, I think it would be useful for you to
6 commit to prepare for me kind of a list of what you're still
7 expecting a few days prior to a continued hearing. And I'll
8 simply continue today's hearing maybe two to three weeks with
9 the expectation that maybe none of you will have to bother to
10 see me. Don't worry about imposing on me. It's your clients
11 and the job you're getting done.

12 But if I schedule a continuation today, let's say
13 three weeks out, then about two weeks before, I think you
14 should give me, again, with copy to counsel, a list, not a
15 brief, not an email string, this is what we are expecting to
16 get: A, B, C, D. And recognize that when I see an acronym and
17 the reference to deliverables, I don't even know what you're
18 talking about. And that's okay.

19 MS. KELLY-KILGORE: Understood.

20 THE COURT: I don't need to know. And so you could
21 just say "the stuff". But the point is, you know and Mr. Cave
22 knows what it is you're trying to get and he's trying either
23 not to give you or is willing to give you as long as there's
24 some definition.

25 And I would say that, not only just for the two of you

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1 but the other counsel, you've been very good about continuing
2 these PwC trustee disputes because I think this is the first
3 one that has really gotten to this point. So with luck, we
4 won't have the next one. But I'll do my job if I can. But
5 just understand, I can't absorb thirty pages of briefs the
6 night before the hearing.

7 Ms. Parada, let's give counsel a date about three
8 weeks out where we'll -- not on the PG&E calendar and really
9 not on any other calendar that mixes up with anything else.
10 And it doesn't have to be on a Friday, but let's see what's --
11 you suggest.

12 THE CLERK: August 5th?

13 THE COURT: 5 or 6?

14 THE CLERK: Yes. 5 --

15 THE COURT: 10 --

16 THE CLERK: -- at 10 o'clock?

17 THE COURT: 10:30? 10 o'clock?

18 THE CLERK: Um-hum.

19 THE COURT: August 5th at 10 o'clock work for
20 principal counsel? I don't know if everyone else, but Mr.
21 Cave, Ms. Kilgore?

22 MS. KELLY-KILGORE: Yes, Your Honor.

23 MR. CAVE: That's great for us, Your Honor. Thank
24 you.

25 THE COURT: Okay. So Ms. Kilgore, let's make it --

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1 let's make it the prior Monday. So that would be August 1st.
2 I'll get something. You file just a statement as to what it is
3 you're still looking for. And you don't have to add in there
4 Mr. Lay's examination because I will issue the order. It just
5 won't have any time limit on it.

6 MS. KELLY-KILGORE: Absolutely.

7 THE COURT: And we'll assume that, for his convenience
8 and your all mutual convenience, that's just pending, and it's
9 not something that's scheduled. And you'll schedule it on your
10 own without me if I have my way. Okay?

11 THE CLERK: Excuse me. Your Honor?

12 MR. CAVE: Your Honor?

13 THE COURT: Yes?

14 THE CLERK: Do you want that Monday, August 2nd?

15 THE COURT: Oh. Wait a minute. Just a minute. Oh, I
16 thought you said we were doing this on Friday the 5th, right?

17 THE CLERK: Thursday the 5th.

18 THE COURT: Oh, Thursday the 5th. Okay. That's my
19 problem. Okay. August 2nd. August 2nd. See, I wasn't
20 hearing, and I wasn't looking at my calendar. The hearing is
21 August 5th, Thursday, 10 a.m. Ms. Kilgore will have something
22 by August 2nd.

23 And by the way, Ms. Kilgore and Mr. Cave, if you agree
24 to have more time, you can just do it on your own. And I don't
25 need a status report to tell me that you're going to continue

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1 the deadline by mutual agreement. Just work it out with my
2 courtroom deputy.

3 MS. KELLY-KILGORE: Understood. Thank you, Your
4 Honor.

5 MR. CAVE: Your Honor, just very --

6 THE COURT: I mean -- yes?

7 MR. CAVE: -- briefly.

8 THE COURT: Yes, sir.

9 MR. CAVE: We thank Your Honor for the prospect of
10 avoiding future briefing, which again, we didn't want to do.
11 Hopefully, this won't be an issue, but to the extent there are
12 disputes about the bullet-point list, may I suggest that the
13 parties meet and confer and submit a joint bullet-point list or
14 that we have an opportunity the next day? Again, I'm talking
15 about an email, a very short email, but anticipating issues --

16 THE COURT: Okay. Well --

17 MR. CAVE: -- I think it make sense for us --

18 THE COURT: -- Mr. Cave, I'll refine it. Your
19 homework assignment is to join with Mr. Kilgore on that August
20 2nd joint statement, which in my wish list would be, our August
21 2nd statement is, we don't need to have a further hearing this
22 week.

23 MR. CAVE: Well, we'll work on that, Your Honor.

24 THE COURT: Okay.

25 MR. CAVE: And if we can't, then I'm sure the list we

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1 put together jointly will be great.

2 THE COURT: Okay.

3 MS. KELLY-KILGORE: Your Honor --

4 THE COURT: Thank you all for your time. Yes?

5 MR. CAVE: Thank you, Your Honor.

6 MS. KELLY-KILGORE: My apologies. There is one more
7 discrete issue with respect to this discovery dispute that I
8 think your guidance may be helpful on. We were informed on
9 Wednesday by PwC's counsel that they are withholding certain
10 contracts on the basis of a privilege assertion that was made
11 by PG&E rather than PwC. PwC's counsel appears unwilling even
12 to identify those specific contracts for us. We think that
13 that is necessary to continue the meet-and-confer discussions
14 on that issue. So I would ask that they provide at least the
15 contract numbers and names, so that we can have a meaningful
16 discussion.

17 THE COURT: Well, is this something Mr. Orsini or
18 someone from the company needs to be involved in this
19 discussion? I mean, if the company is claiming a privilege, I
20 can't --

21 MR. CAVE: Yes.

22 THE COURT: -- blame Pricewaterhouse for not honoring
23 that demand. So I'm not sure what you want me to -- what you
24 want me to do on this one. I'm not following you, Ms. Kilgore.

25 MS. KELLY-KILGORE: Well, I'm not asking for the

PG&E Corporation and Pacific Gas and Electric Company
1 production of the documents that are claimed to be privileged.
2 I'm asking for some sort of identification of those contracts,
3 so that we can at least have the discussion with Mr. Orsini or
4 with PG&E's other counsel to discuss whether those documents
5 are, in fact, subject to a privilege claim. We have reason to
6 believe that they're not, given that some of them have been
7 publicly filed in this bankruptcy proceeding.

8 THE COURT: So what would it be, just a privilege log?
9 You want to --

10 MS. KELLY-KILGORE: Yes.

11 THE COURT: -- (audio interference)?

12 Mr. Cave, can you produce that, a privilege log?

13 MR. CAVE: My client's not claiming the privilege. I
14 mean, this issue literally just came up. So I propose we meet
15 and confer, and I think PG&E's counsel needs to be involved.
16 So yeah. We can identify what's being withheld based on
17 PG&E's --

18 THE COURT: Well, I realize you're not claiming the
19 privilege, but if your client said that's privileged, and Mr.
20 Orsini can speak to this, but that wouldn't preclude you from
21 saying, I can't respond because it's privileged.

22 MR. CAVE: No. I agree, Your Honor. And I'm sorry
23 if --

24 THE COURT: Okay.

25 MR. CAVE: -- that wasn't clear. Yeah. We can

PG&E Corporation and Pacific Gas and Electric Company
1 provide a log explaining what's being withheld.

2 THE COURT: Mr. Orsini --

3 MS. KELLY-KILGORE: That's all we're asking.

4 THE COURT: Well, okay. Mr. Orsini, is there any --
5 it doesn't sound like we need to do anything now, do we?

6 MR. ORSINI: It doesn't sound like it, Your Honor.
7 We're more than happy to be involved in conversations with PwC
8 and the Fire Victim Trust to the extent they have questions
9 about our invocation of privilege. So that's not a problem
10 from our perspective.

11 THE COURT: Okay. And what I was hearing is, the
12 trustee says to PwC, give me a document. PwC says, it's
13 privileged because our client, PG&E, is claiming it privileged.

14 MR. ORSINI: Um-hum.

15 THE COURT: And the colloquy that I just had is
16 that -- well, PwC can at least identify that document, which
17 they can't produce. And then that's point one. Point two is,
18 the company through you or whoever is going to speak for the
19 company will then decide, is there a privilege or isn't there?
20 And if there isn't, then end of story, if there is, then I
21 guess I'll have to decide or not, right?

22 Ms. Kilgore, we get there, but that's --

23 MS. KELLY-KILGORE: That's exactly it. That's exactly
24 what we were asking for, Your Honor. Thank you.

25 THE COURT: Okay.

PG&E Corporation and Pacific Gas and Electric Company

1 MR. ORSINI: Sounds right to me, Your Honor.

2 MR. CAVE: Sounds good.

3 THE COURT: Okay. Thank you all for your time. I'm
4 sorry if I couldn't answer all your problems for you, but I
5 don't want to. I want you to answer them yourself. Thank you.

6 MS. KELLY-KILGORE: We appreciate that, Your Honor.

7 Thank you.

8 MR. CAVE: Thank you, Your Honor.

9 THE COURT: Have a good weekend, everyone.

10 MR. ORSINI: Thank you.

11 MR. CAVE: You as well.

12 MS. KELLY-KILGORE: Likewise.

13 MR. ORSINI: You, too, Your Honor.

14 THE COURT: That concludes the hearing. Ms. Parada,
15 thank you for participating, and Ms. Thomas. I'm going to shut
16 down.

17 (Whereupon these proceedings were concluded at 01:18:47)

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1 C E R T I F I C A T I O N
23 I, Connie West, certify that the foregoing transcript is a true
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